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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,184	06/30/2000	Samuel N. Zellner	BS99-224	9720
39072	7590	01/30/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			BROWN, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/608,184	ZELLNER, SAMUEL N.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher J. Brown	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 September 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 56-62 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 56-62 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/30/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 9/21/2005 have been fully considered but they are not persuasive.

The applicant argues against Blonder US 5,708,422 and Bartoli US 6,047,268 in view of new claim 56. The applicant argues that Blonder does not teach the notification message including a communication address for assistance with a commercial transaction.

Although Blonder does not explicitly state a help communication address, Blonder does teach using a pager to notify the card owner, (Col 8 lines 54-57, Fig 1, 135). It is well known that pagers display the phone number of the person or company paging the owner of the pager.

The examiner has combined Blonder with Bartoli to explicitly show it would have been obvious to one of ordinary skill in the art to include a help communication address in a notification message. Bartoli teaches that if an authorization is denied, the user is invited to contact customer service at a specified phone number, (Col 7 lines 28-34). The applicant argues that this message is part of the authorization process and that the message is sent to the same client that initiated the transaction. The examiner argues that Bartoli's message with a help communication address is part of a monitoring system.

Bartoli teaches that if the authorization is successful, no message is needed. The system is monitoring the authorization process. Regardless, the argument is irrelevant as the examiner is merely using Bartoli to explicitly illustrate that it would have been obvious to one of ordinary skill in the art to include a help communication address in a message.

With regards to the applicant's arguments regarding new claims 57-62, please see the non-final rejection below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 56-62 are rejected under 103(a) as being unpatentable over Blonder US 5,708,422 in view of Bartoli US 6,047,268**

As per claim 56, 60, Blonder teaches a payer (customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines 34-40). Blonder teaches requesting authorization (validation) for the commercial transaction (Col 5 lines 25-28, 32-37).

Blonder teaches notifying the payer (customer) substantially simultaneously of the commercial transaction upon a request for authorization of the commercial transaction (Col 2 line 61 – Col 3 line 3, Col 7 lines 20-33). Blonder teaches a notification device (Pager) to receive the message and present it to the payer (Col 11 lines 38-42).

Blonder does not explicitly teach sending a contact help number with the page or message

Bartoli teaches sending a message to the user regarding a financial transaction including a customer assistance phone number, (Col 7 lines 28-34). It would have been obvious to one of ordinary skill in the art to combine the customer assistance phone number with the notification message of Blonder because a customer receiving the message by page would need to know where to call.

As per claim 57, the Blonder-Bartoli combination teaches a customer assistance phone number which may be used to report criminal activity, (Bartoli Col 7 lines 28-34).

As per claims 58, 59, 61, and 62 Blonder teaches that the message contains information independent of the commercial transaction (Col 7 lines 49-53, Fig 5, 502).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

1/22/06



GILBERTO BARRÓN JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

